

PATENT
22851-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
WENYUAN SHI, ET AL.

Serial No. 09/881,823

Filed: June 15, 2001

For: CHIMERIC MONOCLONAL
ANTIBODIES SPECIFIC TO S.
MUTANS



Group Art Unit:

Examiner:

Los Angeles, California
October 16, 2001

SECOND PRELIMINARY AMENDMENT

Hon. Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

Pursuant to Manual of Patent Examining Procedure § 714.09 and prior to the examination of the above captioned United States patent application, kindly amend the application as follows:

In the Specification: at line 16, after "continuation-in-part" insert: United States serial number 60/102,179 filed September 28, 1998.

Applicants respectfully submit that no additional fee is due. The preliminary amendment filed October 3, 2001 claimed the benefit of the filing of the patent that issued on provisional application 60/102,179. This paper merely requests that the effective filing date be carried back to the filing of that provisional application. A copy of United States patent 6,231,857 B1 is attached hereto to prove the same.

Because the '857 claims the benefit of the filing date of the provisional application applicants submit that the surcharge referred to in 37 C.F.R. § 1.78(a)(2) is not due.

Pursuant to 37 C.F.R. § 1.25(b), the Commissioner is hereby authorized to authorize to charge any fees due to Deposit Account 231-141 or credit any overpayment to the same for the entire pendency of this application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP
Attorneys for Applicants

By: David J. Meyer
David J. Meyer
Registration Number 33,425



PATENT
20051.032
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WENUAN SHI, and MAXWELL ANDERSON

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CERTIFICATE OF MAILING

Hon. Assistant Commissioner for Patents
Washington D.C. 20231

I hereby certify that a Second Preliminary Amendment and Return Postcard are being deposited with the United States Postal Service; postage prepaid, Express Mail No. EL 842077824 US on the date indicated below and addressed to: *Hon. Assistant Commissioner of Patents, Washington, D.C. 20231.*

OCT 16 2001

(Date of Deposit)

Axel O. Perez

(Name of Person Mailing Paper or Fee)

Axel O. Perez
(Signature)

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